

Weighted Caseload Study

Developing Evidence-Informed Caseload Guidelines for Effective Court-Appointed Representation



STATE BAR of TEXAS



Texas Criminal Defense Lawyers Association



LIBERAL ARTS
TEXAS A&M UNIVERSITY

PUBLIC POLICY RESEARCH INSTITUTE





The mission of the Texas Indigent Defense Commission is to provide financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law.





254 C

2727 COURTS

16

Appellates

457

District

510

County

1744

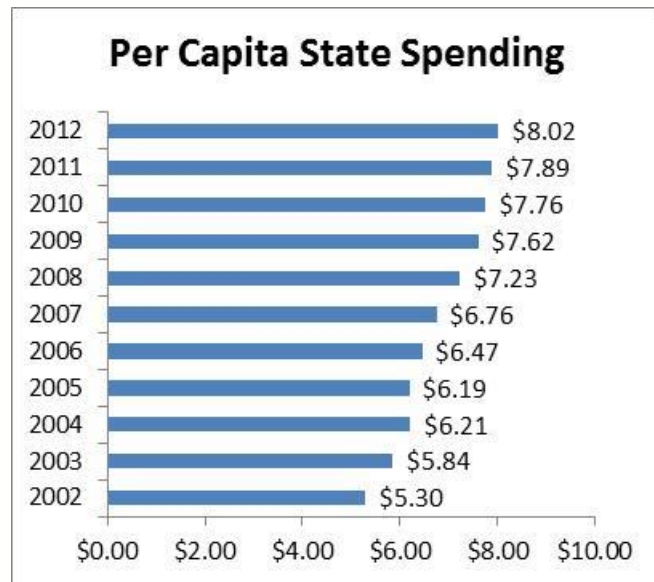
JP/Municipal

New Criminal Cases 2013

	Filed	Appointed
Felonies	272,990	192,045
Misdemeanors	549,030	228,357
Total	822,020	420,402

Texas Indigent Defense

- 48th in per-capita spending
- Counties pay over 85%



Texas Indigent Defense

<u>MODEL</u>	<u>STATEWIDE NUMBERS</u>
Public Defenders	20 programs
Managed Assigned Counsel	3 programs

<u>MODEL</u>	<u>STATEWIDE NUMBERS</u>
Contract Defenders	14 District Courts 10 County Courts 10 Juvenile Board
Ad-Hoc Assigned Counsel	210 District Courts 220 County Courts 216 Juvenile Board

Recent Harris County Study

Improving Indigent Defense: Evaluation of the Harris County Public Defender

September 30, 2013

Dr. Tony Fabelo
Carl Reynolds
Jessica Tyler

*Prepared by the Council of State Governments Justice Center,
with the support of the Harris County Public Defender Office*

Council of State Governments Justice Center
100 Wall Street, 20th Floor
New York, New York 10005

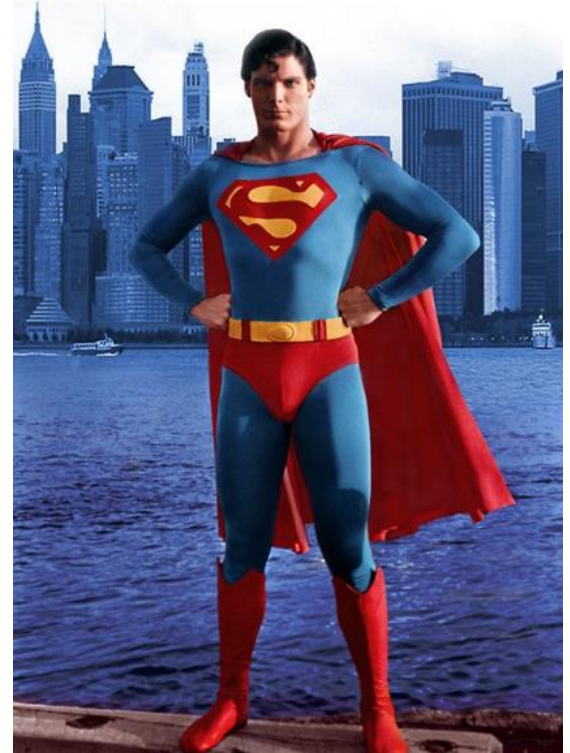
1305 San Antonio Street
Austin, Texas 78701

JUSTICE  CENTER
The Council of State Governments
Collaborative Approaches to Public Safety

- How widespread is the problem?
 - Harris County, 2012:
 - ❑ Top 10% averaged 632 appointments
 - ❑ 32 attorneys received more than 400 cases
 - ❑ One attorney took 952 cases
 - ❑ 45% of felony cases were represented by attorneys with caseloads >150 clients

***A lawyer with an “S” on his chest
for Superman couldn’t represent
these people.***

- Professor Norman Lefstein



House Bill 1318

Not later than January 1, 2012, the Texas Indigent Defense Commission shall conduct and publish a study for the purpose of determining guidelines for establishing a maximum allowable caseload for a criminal defense attorney that... allows the attorney to give each indigent defendant the time and effort necessary to ensure effective representation.



Rep. Sylvester Turner
District 139



Rep. Armando Walle
District 140



Sen. John Whitmire
District 15



Sen. Rodney Ellis
District 13



Sen. Sylvia Garcia
District 6

Public Policy Research Institute Texas A&M University

- Established by the Legislature in 1984
- Land grant philosophy -- Portal for policymakers to access university expertise
- Original data collection; Survey research; Large database analysis; Qualitative methods
- 30-40 projects/year; 15 state agency partners
- Criminal justice, Education, Public health, Social services, Substance abuse



TIDC Websites

The screenshot shows the TIDC website interface. At the top, there's a navigation bar with links: Home, County Indigent Defense Plans, County Indigent Defense Expenditures, TIDC Grants and Funding, and County Dashboard. The main content area is titled "Brazos County" and features a map of Texas with county boundaries. A "Quick Links" sidebar on the left lists various resources. A "Quick Stats 2011" panel on the right displays key statistics for Brazos County.

Quick Links

- Summary of Funding
- Brazos County Indigent Defense Plan
- Brazos County Datasheet
- Brazos County Dashboard
- List of Public Defender and Managed Assigned Counsel Offices
- TIDC Home Page
- Login

Quick Stats 2011

Brazos

Current Population Estimate	194,851
Total Indigent Defense Costs	\$1,691,900.50
Formula-Based Grant Amount	\$98,743.00
Discretionary Grant Amount	
Non-Capital Felony Trial-Level Cases Paid	1,121
Misd. Trial-Level Cases Paid	1,697
Juvenile Trial-Level Cases Paid	531
Appeals Cases Paid	49
Capital Cases Paid	5

Texas Indigent Defense Commission, Office of Court Administration • Public Policy Research Institute, Texas A&M University
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- Public Indigent Defense Data
- County Reporting Website
- Innocence Project Reporting Website

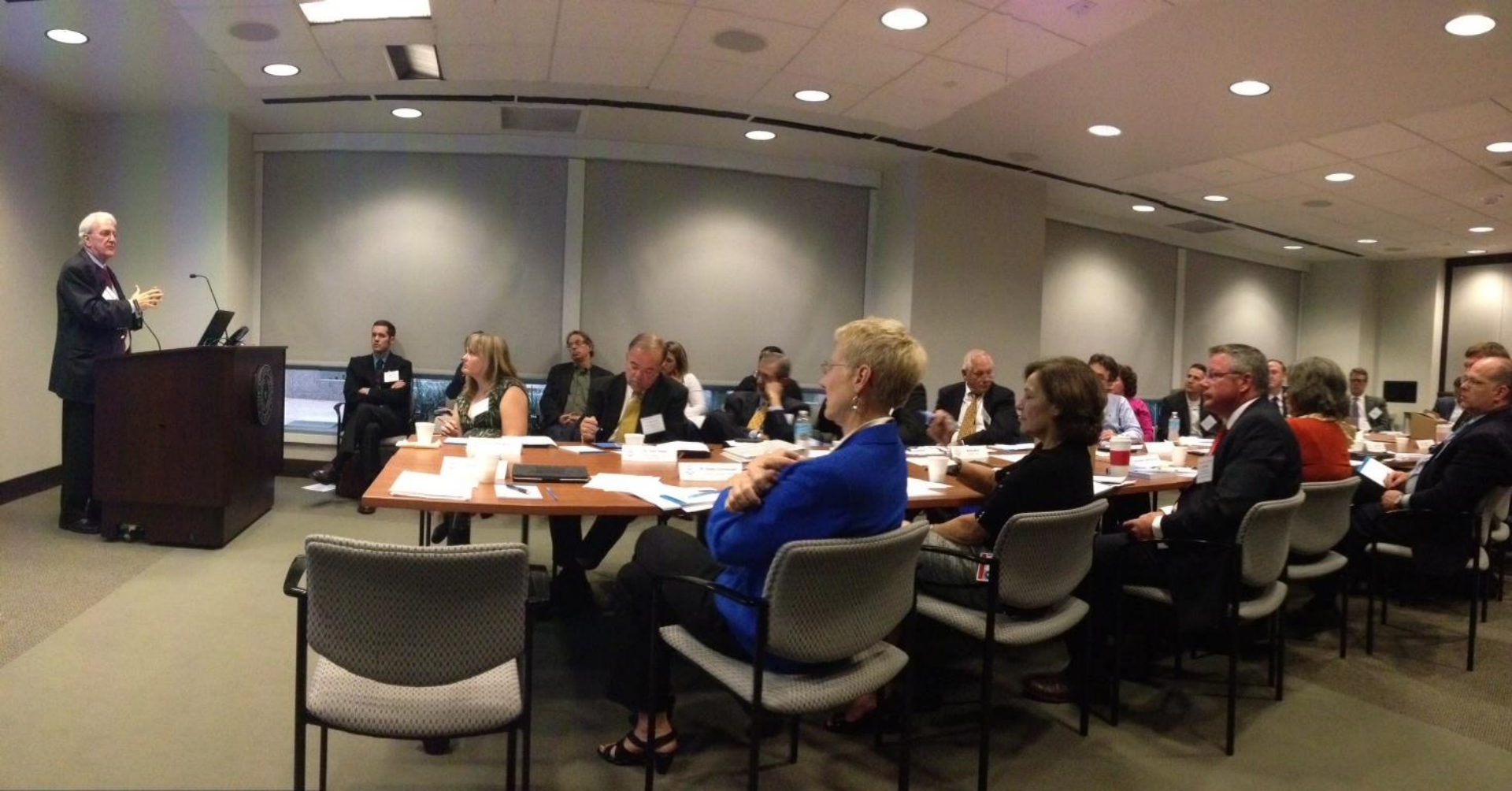
Essential Partners

- Texas Criminal Defense Lawyers Association
- State Bar of Texas
- Public Defenders
- Criminal Defense Attorneys
- Texas Fair Defense Project
- National Authorities





Members of the Texas Indigent Defense Advisory Panel on the Texas Weighted Caseload Study, held on October 18, 2013, in Austin. TIDC Executive Director Jim Bethke, TCDLA Executive Director Joseph Martinez, TCDLA President Bobby Mims, and TCDLA members Jeanette Kinard and David Gonzalez serve on the panel chaired by Judge Sharon Keller of the Texas Court of Criminal Appeals. This panel consists of indigent defense lawyers, public defenders, and scholars to advise the Public Policy Research Institute of Texas A&M University in the study and data compilation to be undertaken with TCDLA.



Tasks and Timeline

	2013				2014											
	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12
Task 1: Advisory Panel Planning																
Task 2: Attorney Time Data Collection																
<i>Recruit Attorneys</i>																
<i>Collect Attorney Time Data</i>																
<i>Analyze Attorney Time Data</i>																
Task 3: Sufficiency of Time Survey																
Task 4: Adjust Case Weights thru Delphi Process																
Task 5: Prepare Final Report																

Contact Us

Keeping Defender Caseloads Manageable

- Robert Spangenberg

"Attorneys with excessive caseloads are under an ethical obligation to remedy the situation."

[READ MORE](#)



Welcome to the Texas Indigent Defense Commission's Weighted Caseload Study Homepage!

Texas is preparing to conduct a Weighted Caseload Study to provide policymakers with real data on the time required to represent court-appointed cases. The study will spotlight Texas indigent defense in an unprecedented way and provide an opportunity for criminal defense attorneys to help advance justice by making the case for appropriate funding at the state and local levels.

[ENROLL TODAY](#)

Your participation is crucial! We hope you will join us in improving criminal defense policy in Texas and making sure that justice is served.

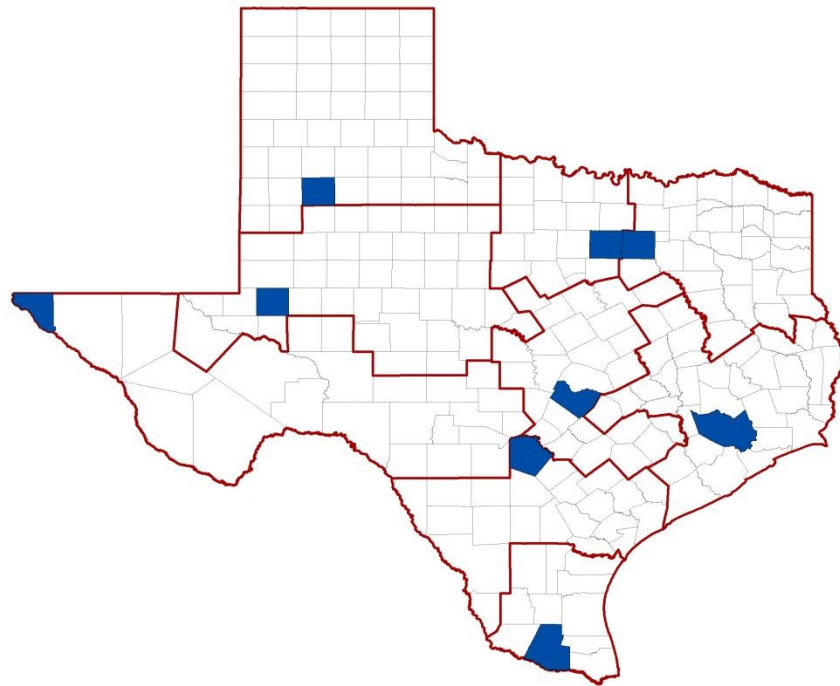
<http://texaswcl.tamu.edu>



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Recruitment of Attorneys

*Collaboration
&
Coordinated Effort*



Rewards to Participate

Incentives...



Chance at a Weekly Prize Drawing



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Experience "Defender Data"

+ Approved for CLE!

Keeping Time

- **Web training / CLE**
- **Custom software by Justice Works**
- **12 weeks**



